

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6743

BILL NUMBER: SB 302

NOTE PREPARED: Dec 22, 2004

BILL AMENDED:

SUBJECT: Expungement of Arrest and Conviction Records.

FIRST AUTHOR: Sen. Clark

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill allows a sentencing court to expunge the arrest and conviction records of an individual who committed a felony before the individual became 25 years of age if 20 years have passed since the completion of: (1) the individual's sentence; and (2) any other obligations imposed on the individual as a part of the sentence.

Effective Date: July 1, 2005.

Explanation of State Expenditures: The Indiana State Police maintain the criminal history data base. Any additional staff and computer time would likely be able to be absorbed with the existing resources.

Based on the offender population in the Department of Correction on December 16, 2004, 34% of offenders were 25 or under at the time of commitment.

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record.

Explanation of Local Expenditures: Costs incurred by courts would increase as additional hearings occur. The cost incurred would vary by county and would depend on the number of people who sought an expungement. Also, court employees would have to send criminal history to the court for sealing resulting in additional staff and computer time.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees.

State Agencies Affected: Indiana State Police, Clerk of the Supreme Court.

Local Agencies Affected: Trial Courts.

Information Sources: Major Anthony Sommer, Staff Attorney, Indiana State Police.

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